IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE
LETTERS PATENT APPEAL NO. 132 OF 1997

Kamlesh Awadhnarayan & Ors. ... Appellants

Vs.

Sakalnarayansingh Sitlaprasad Singh and Others ... Respondents

None for Appellant.

Mr. U.S.R. Singh for Respondents.

CORAM : F.I. REBELLO & ANOOP V. MOHTA,JJ.
DATED : AUGUST 12, 2004
P.C. :

1. This appeal was directed against the order of the learned Single Judge dated 16.7.1997 appointing the Court Receiver during the pendency of the appeal. These appeals have since been disposed of. While admitting the L.P.A. on 31.7.1997, ad interim relief was granted in terms of Prayer Clause (a) of the Civil Application with regard to handing over possession of the premises by the Court Receiver to the Respondents. By the subsequent order dated 20.8.1997, the operation of the impugned order was stayed on the condition that the defendants would deposit Rs.3,000/- per month from the month of September, 1999 onwards with the Court Receiver instead of Rs.2,000/- per month as ordered by the learned Single Judge at the time of

admission of the first appeal.

2. After the disposal of the Appeal, two L.P.A.s have been filed namely L.P.A. No. 250 of 2000 and 251 of 2000. While admitting the L.P.A. No. 251 of 2000 and considering the Civil Application No. 5362 of 2000 in the said L.P.A. the learned Division Bench of this Court was pleased to continue interim order passed in L.P.A. No. 132 of 1997 during the pendency of the L.P.A. No. 251 of 2000.

3. Considering the above, we find that the L.P.A. No. 132 of 1997 has become infructuous and consequently disposed of as infructuous. It is true that in L.P.A. No. 251 of 2000 another order was passed that the L.P.A.s be heard along with L.P.A. No. 132 of 1997. All three L.P.A.s are on board. We have heard L.P.A. No. 132 of 1997 and passed orders therein.

(F.I. REBELLO,J.)

(ANOOP V. MOHTA,J.)